IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:	)Attorney Docket No.: F-724
Robert H. Kummer Jr. et al.	)Group Art Unit: 3628
Serial No.: 10/665,625	)Examiner: D. Vetter
Filed: September 19, 2003	)Date: September 6, 2007

Confirmation No.: 6557

Title: Method and System for Automated Postage Correction of Residual Mail

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL

Sir:

This is an appeal pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 1.191 et seq. from the final rejection of claims 1-23 of the above-identified application mailed May 1, 2007. A Notice of Appeal was filed on July 31, 2007.

The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. **16-1885**.

I. Real Party in Interest

The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

II. Related Appeals and Interferences

There are no appeals or interferences known to Appellants, their legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of Claims

Claims 1-23 stand rejected under U.S.C. § 103(a) as being unpatentable over Sansone et al. (U.S. 5,019,991) in view of Uno et al. (U.S. 5,535,127) and further in view of Bernard et al. (U.S. 5,717,596).

IV. Status of Amendments

There were no amendments to the claims filed subsequently to the Office Action dated May 1, 2007. Therefore, the claims as set forth in Appendix A to this brief are those as set forth before the final rejection.

V. Summary of Claimed Subject Matter

This summary and references to specific page and line numbers, figures and reference characters is not intended to supplant or limit the description of the claimed subject matter as provided in the claims as recited in Appendix A, as understood in light of the entire specification.

Appellants' invention relates to a method for processing one or more pieces of residual mail to automatically correct the postage for the residual mail and to a system which implements the method. Additionally, the captured transaction information for the mail originally processed is corrected to compensate for any accounting and data capture inaccuracies.

Independent claim 1 is directed to method of processing one or more pieces of residual mail using a mail processing system, each of said one or more pieces of mail having original transaction information that is stored by the mail processing system when said one or more pieces of mail are originally processed by the mail processing system using a first class of service, the method comprising "accessing a first rate table corresponding to the first class of service used to originally process said one or more pieces of residual mail," (see Fig. 4, item S7 and corresponding description in paragraph [0026]); "accessing a second rate table corresponding to a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected," (see Fig. 4, item S8 and corresponding description in paragraph [0026]); "generating a postage correction table from said first rate table and said second rate table," (see Fig. 4, item S9 and corresponding description in paragraph [0027]); "determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table," (see Fig. 4, items S11, S12 and corresponding description in paragraph [0029]); "applying said determined postage correction amount to each of said one or more pieces of residual mail," (see Fig. 4, item S13 and corresponding description in paragraph [0029]); "deleting the stored original transaction information for each of said one or more pieces of residual mail," (see Fig. 4, item S13 and corresponding description in paragraph [0030]); "generating new transaction information for each of said one or more pieces of residual mail based on the second class of service," (see Fig. 4, item S13 and corresponding description in paragraph [0030]); and "storing the new transaction information for each of said one or more pieces of residual mail." (see Fig. 4, item S13 and corresponding description in paragraph [0030]).

Independent claim 10 is directed to a mail processing system that comprises "a metering/printing module for applying postage values to one or more pieces of mail," (see Fig. 2, item 44 and corresponding description in paragraph [0023]); "a central processing unit controlling operation of said metering/printing module," (see Fig. 2, item 40 and corresponding

description in paragraph [0023]); and "a memory storing information including original transaction information for said one or more pieces of mail that are originally processed by the mail processing system using a first class of service, and software executable by said central processing unit," (see Fig. 2, item 46 and corresponding description in paragraphs [0023]-[0024]); "said software including instructions for: accessing a first rate table corresponding to the first class of service used to originally process one or more pieces of residual mail," (see Fig. 4, item S7 and corresponding description in paragraph [0026]); "accessing a second rate table corresponding to a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected," (see Fig. 4, item S8 and corresponding description in paragraph [0026]); "generating a postage correction table from said first rate table and said second rate table," (see Fig. 4, item S9 and corresponding description in paragraph [0027]); "determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table," (see Fig. 4, items S11, S12 and corresponding description in paragraph [0029]); "causing said metering/printing module to apply said determined postage correction amount to one of each of said one or more pieces of residual mail or a tape to be applied to said one or more pieces of residual mail," (see Fig. 4, item S13 and corresponding description in paragraph [0029]); "deleting the original transaction information for each of said one or more pieces of residual mail," (see Fig. 4, item S13 and corresponding description in paragraph [0030]); "generating new transaction information for each of said one or more pieces of residual mail based on the second class of service," (see Fig. 4, item S13 and corresponding description in paragraph [0030]); and "storing the new transaction information for each of said one or more pieces of residual mail." (see Fig. 4, item S13 and corresponding description in paragraph [0030]).

Additional features of the invention are discussed below in the Argument section of this Brief.

VI. Grounds of Rejection to be Reviewed on Appeal

A. Whether the subject matter defined in claims 1-23 is unpatentable over Sansone et al. (U.S. 5,019,991) in view of Uno et al. (U.S. 5,535,127) and further in view of Bernard et al. (U.S. 5,717,596).

VII. Argument

As Appellants discuss in detail below, the final rejection of claims 1-23 is devoid of any factual or legal premise that supports the position of unpatentability. It is respectfully submitted that the rejection does not even meet the threshold burden of presenting a prima facie case of unpatentability. For this reason alone, Appellants are entitled to grant of a patent. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

A. The subject matter defined in claims 1-23 is not rendered obvious by Sansone et al. (U.S. 5,019,991) in view of Uno et al. (U.S. 5,535,127) and further in view of Bernard et al. (U.S. 5,717,596).

Sansone et al. is directed to a system that checks for improper posting, determines the proper posting amount, debits the accounting system accordingly, and then certifies the mail piece as correct. In Sansone, a mail piece is weighed by a scale 30. A CPU 12 responds to the weight data from scale 30, in accordance with a pre-stored program and postal data previously stored in a look-up table in memory, to activate a printing activating mechanism 32 which sets print wheels 34, cooperating with meter imprinting station 36, for applying appropriate printed postage indicia data to the envelope as it traverses along the path 18 into the meter imprinting station. The value of the printed postage is debited from the descending register 50. In the event that the postage is already pre-printed, such information will have been placed into the CPU by the reader 10 and a bypass mechanism 40 will be activated causing the imprinting station to be inactive. In the event of pre-printed postage, the counter 26 and scale 30 function to provide parameters which are compared to the previously stored data in the CPU 12 to determine the correctness of the pre-printed postage. In the event the postage is incorrect, the CPU 12 calculates the correct postage and decrements the descending register accordingly. Upon discharge of the mail pieces from the mail path 18, mail pieces then continue along path 46 to the certification station 48, where an appropriate certification stamp is placed upon the mail. The certification is a verification of correct postage accounting, as a function of mail count and/or weight and/or destination zip codes, or a combination thereof, depending upon the input condition established when the run began. The certification provides a means for indicating that a mail piece has gone through a correct accounting process and should be delivered regardless of

any apparent short payment. The certification also verifies that a correct debit was in fact performed by the postal organization. The certificate is placed upon the mail in human readable form and thus provides an indication to the postal service that appropriate adjustments have been made to the sender's descending register balances for any short-weighed or short-paid or otherwise incorrect postage which may have been placed upon the envelope. (Col. 3, line 59 to Col. 4, line 34).

Thus, the system in Sansone will determine, for each mail piece, if pre-printed postage is incorrect, calculate the correct amount, decrement the descending register accordingly, and then print a certification stamp that indicates the mail piece has gone through a correct accounting process. The system in Sansone et al., however, does not generate any type of postage correction table from a first rate table and a second rate table as is done in the present invention. As noted in paragraph [0027] of the specification, the generation of a postage correction table involves examining the rate table for the class of service to which the residual mail is to be corrected, and for each weight break provided therein finding the corresponding or overlapping weight break in the rate table for the class of service entered in which the residual mail was originally processed. The difference between the rates for the class of service to which the residual mail is to be corrected and the rates for the class of service entered in which the residual mail was originally processed is calculated for each corresponding or overlapping weight break pair. In addition, for each overlapping weight break pair, a second difference is calculated between any dimension based charge applicable to the class of service to which the residual mail is to be corrected and any dimension based charge applicable to the class entered in which the residual mail was originally processed. The dimension based charge may be, for example, the charge applied to a mail piece that exceeds a specified dimension such as height, width or thickness. The table that is generated thus consists of the weight breaks of the rate table for the class of service to which the residual mail is to be corrected and, for each such weight break, the corresponding difference in rates and dimension based charges that were calculated.

The system in Sansone, in contrast, does not disclose, teach or suggest generating any type of rate correction table. The system in Sansone operates on a piece by piece basis, which is not the same as generating a rate correction table.

Furthermore, the system in Sansone does not delete the stored original transaction information for each of the pieces of residual mail; generate new transaction information for each of the pieces of residual mail associated with the second class of service; and store the new transaction information for the pieces of residual mail as in the present invention. Thus, any data capture categories that utilize the transaction information for each mail piece will be incorrect, as it will not reflect the change in class for the residual mail. The present invention, in contrast, deletes the stored original transaction information for each piece of residual mail, generates new transaction information for each of the pieces of residual mail based on the second class of service, and stores the new transaction information, thereby ensuring that any data capture categories will accurately reflect the processing performed by the mail processing system. There is no disclosure, teaching or suggestion in Sansone et al. of "generating a postage correction table from said first rate table and said second rate table; determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table," or of "deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail."

The reference to Bernard et al. does not cure the above deficiencies. Bernard is directed to a method for franking, accounting and billing of mail pieces and services in which the postage dispensed and the services related to the dispensing of postage can be allocated on a client-by-client basis such that each client may be correctly invoiced for the postage and services rendered. In Bernard, the individual mail pieces are franked by the postal franking meter with the value determined in step 56. At step 64, the system then determines any applicable service charges to be added to the customer account; the amount franked, plus any charges, are posted to the customer account and displayed in a data field at step 66. At step 68, the system will query as to whether or not there is an error in the displayed fields. If the response is "YES," then the system will perform a transfer at step 70; if the response to the query at step 68 is "NO," then the system will close the transaction at step 72. (Col. 6, lines 15-25).

A transfer consists of several steps; these are: determining whether or not the transaction has been misapplied to a particular customer account, and if the transaction has been misapplied,

then; identifying the misapplied transaction; transferring the misapplied transaction to a second account; calculating a value amount by which the data fields of the customer account will be changed, the value amount based upon any surcharge or discount corresponding to that customer account; calculating a second value amount by which the data fields of the second account will be changed, the value amount based upon any surcharge or discount corresponding to that second account; and, automatically transferring the calculated value amount and the calculated second value amount to their respective accounts. (Col. 6, lines 26-39).

Note first that there is no disclosure, teaching or suggestion in Bernard of "generating a postage correction table from said first rate table and said second rate table" or "determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table." Furthermore, there is no disclosure, teaching or suggestion in Bernard of "deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail." The system of Bernard does not delete any type of transaction information, nor does it generate new transaction information based on a second class of service as in the present invention. The system of Bernard simply transfers accounting funds from one account to another. The transfer of funds does not entail the deletion of original transaction information or the generation of new transaction information based on a second class of service to which the postage value for the mail piece is to be corrected. In Bernard, funds are moved between departmental accounts to ensure that clients are correctly invoiced for the postage and services rendered. This is not the same as "deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail" as is recited in claim 1.

The reference to Uno et al. does not cure the above deficiencies, as Uno et al. was relied upon for disclosing that mail can be separated into different classes. There is no disclosure, teaching or suggestion in Uno et al. of accessing a first rate table corresponding to the first class of service used to originally process said one or more pieces of residual mail; accessing a second

rate table corresponding to a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected; generating a postage correction table from said first rate table and said second rate table; determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table; applying said determined postage correction amount to each of said one or more pieces of residual mail; deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail.

None of the references, either alone or in any combination, disclose, teach or suggest all of the features of the present invention.

For at least the above reasons, Appellants respectfully submit that the final rejection as to claim 1 is in error and should be reversed. Claims 2-9, 21, and 22 are dependent upon claim 1, and therefore include all of the limitations of claim 1. For the same reasons the final rejection as to claim 1 is in error, Appellants respectfully submit that the rejection of claims 2-9, 21 and 22 is similarly in error and should be reversed.

Independent claim 10 includes limitations substantially similar to those of claim 1. For the same reasons given above with respect to claim 1, Appellants respectfully submit that the final rejection as to claim 10 is in error and should be reversed. Claims 11-20 and 23 are dependent upon claim 10, and therefore include all of the limitations of claim 10. For the same reasons the final rejection as to claim 10 is in error, Appellants respectfully submit that the rejection of claims 11-20 and 23 is similarly in error and should be reversed.

VIII. Conclusion

In Conclusion, Appellants respectfully submit that the final rejection of claims 1-23 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,

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Attachments - Appendix A – Claims Appendix (5 pages)
Appendix B – Evidence Appendix (1 page)
Appendix C – Related Proceedings Appendix (1 page)

APPENDIX A – Claims Appendix

1. A method of processing one or more pieces of residual mail using a mail processing system, each of said one or more pieces of mail having original transaction information that is stored by the mail processing system when said one or more pieces of mail are originally processed by the mail processing system using a first class of service, the method comprising:

accessing a first rate table corresponding to the first class of service used to originally process said one or more pieces of residual mail;

accessing a second rate table corresponding to a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected;

generating a postage correction table from said first rate table and said second rate table;

determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table;

applying said determined postage correction amount to each of said one or more pieces of residual mail;

deleting the stored original transaction information for each of said one or more pieces of residual mail;

generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and

storing the new transaction information for each of said one or more pieces of residual mail.

2. A method according to claim 1, further comprising determining a weight of each of said one or more pieces of residual mail, wherein said postage correction amount is based on said weight of each of said one or more pieces of residual mail.

3. A method according to claim 2, further comprising determining one or more dimensions of each of said one or more pieces of residual mail, wherein said postage correction amount is further based on said one or more dimensions of each of said one or more pieces of residual mail.

4. A method according to claim 2, said postage correction table comprising a plurality of weight breaks and a plurality of corresponding postage correction rates.

5. A method according to claim 4, said generating step further comprising calculating, for each of said weight breaks, a difference between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table, said difference being said postage correction rate for said weight break.

6. A method according to claim 3, said postage correction table comprising a plurality of weight breaks and plurality of corresponding postage correction rates and dimension based charges.

7. A method according to claim 6, said generating step further comprising calculating, for each of said weight breaks, a first difference between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table and a second difference between a first corresponding dimension based charge from said second rate table and a second corresponding dimension based charge from said first rate table, said first difference being said postage correction rate for said weight break and said second difference being said dimension based charge for said weight break.

8. A method according to claim 5, said calculating step for each of said weight breaks further comprising setting said postage correction rate equal to zero if said difference is negative.

9. A method according to claim 7, said calculating step for each of said weight breaks further comprising setting said postage correction rate equal to zero if said first difference is negative and setting said dimension based charge equal to zero if said second difference is negative.

10. A mail processing system, comprising:

a metering/printing module for applying postage values to one or more pieces of mail;

a central processing unit controlling operation of said metering/printing module; and

a memory storing information including original transaction information for said one or more pieces of mail that are originally processed by the mail processing system using a first class of service, and software executable by said central processing unit, said software including instructions for:

accessing a first rate table corresponding to the first class of service used to originally process one or more pieces of residual mail;

accessing a second rate table corresponding to a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected;

generating a postage correction table from said first rate table and said second rate table;

determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table;

causing said metering/printing module to apply said determined postage correction amount to one of each of said one or more pieces of residual mail or a tape to be applied to said one or more pieces of residual mail;

deleting the original transaction information for each of said one or more pieces of residual mail;

generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and

storing the new transaction information for each of said one or more pieces of residual mail.

11. A mail processing system according to claim 10, further comprising a weighing module for weighing one or more mail pieces, said weighing module being controlled by said central processing unit, said software further including instructions for determining a weight for said one or more pieces of residual mail using said weighing module, wherein said

postage correction amount is based on said weight of each of said one or more pieces of residual mail.

12. A mail processing system according to claim 11, said postage correction table comprising a plurality of weight breaks and a plurality of corresponding postage correction rates.

13. A mail processing system according to claim 12, said generating instructions further comprising instructions for calculating, for each of said weight breaks, a difference between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table, said difference being said postage correction rate for said weight break.

14. A mail processing system according to claim 11, further comprising a dimensioning module for determining one or more dimensions of a mail piece, said dimensioning module being controlled by said central processing unit, said software further including instructions for determining one or more dimensions for said one or more pieces of residual mail using said dimensioning module, wherein said postage correction amount is further based on said one or more dimensions of each of said one or more pieces of residual mail.

15. A mail processing system according to claim 14, said dimensioning module comprising an array of sensors.

16. A mail processing system according to claim 15, said sensors being optical sensors.

17. A mail processing system according to claim 14, said postage correction table comprising a plurality of weight breaks and plurality of corresponding postage correction rates and dimension based charges.

18. A mail processing system according to claim 17, said generating instructions further comprising instructions for calculating, for each of said weight breaks, a first difference between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table and a second difference between a first corresponding dimension based charge from said second rate table and a second corresponding dimension based charge from said first rate table, said first difference being said postage correction rate for said weight break and said second difference being said dimension based charge for said weight break.

19. A mail processing system according to claim 13, said calculating step for each of said weight breaks further comprising setting said postage correction rate equal to zero if said difference is negative.

20. A mail processing system according to claim 18, said calculating step for each of said weight breaks further comprising setting said postage correction rate equal to zero if said first difference is negative and setting said dimension based charge equal to zero if said second difference is negative.

21. A method according to claim 1, wherein accessing a first rate table further comprises:

receiving a first class of service used to originally process said one or more pieces of residual mail; and

accessing a first rate table corresponding to the received first class of service.

22. A method according to claim 21, wherein accessing a second rate table further comprises:

receiving a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected; and

accessing a second rate table corresponding to the received second class of service.

23. A mail processing system according to claim 10, wherein said first rate table and said second rate table are stored in said memory.

APPENDIX B – EVIDENCE APPENDIX

There is no evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 or any other evidence entered by the examiner and relied upon by Appellant in the appeal.

APPENDIX C – RELATED PROCEEDINGS APPENDIX

There are no appeals or interferences known to Appellants, their legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.